

In The Matter Of:
United States vs.
PFC Bradley E. Manning

Vol. 32
August 9, 2013
UNOFFICIAL DRAFT - 8/9/13 Afternoon Session

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1 VOLUME XXXII

2 IN THE UNITED STATES ARMY

3
4 UNITED STATES

5 VS.

6 MANNING, Bradley E., Pfc.

COURT-MARTIAL

7 U.S. Army, xxx-xx-9504

8 Headquarters and Headquarters Company,

9 U.S. Army Garrison,

10 Joint Base Myer-Henderson Hall,

11 Fort Myer, VA 22211

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15 The Hearing in the above-titled matter was
16 continued Friday, August 9, 2013, at 3:00 p.m., at
17 Fort Meade, Maryland, before the Honorable Colonel
18 Denise Lind, Judge.

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17 colloquy due to being inaudible by the reporter.

UNOFFICIAL DRAFT - 8/9/13 Afternoon Session

3

1 APPEARANCES:

2

3 ON BEHALF OF GOVERNMENT:

4

MAJOR ASHDEN FEIN

5

CAPTAIN JOSEPH MORROW

6

CAPTAIN ANGEL OVERGAARD

7

CAPTAIN HUNTER WHYTE

8

CAPTAIN ALEXANDER VON ELTEN

9

10 ON BEHALF OF ACCUSED:

11

DAVID COOMBS

12

CAPTAIN JOSHUA TOOMAN

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MAJOR THOMAS HURLEY

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August 9, 2013

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PROCEEDINGS,

THE CLERK: All rise.

3 THE COURT: Please be seated. The court is
4 called to order. I believe all parties present in the
5 court last recess are again present in the court.

Is that true, Major Fein?

MR. FEIN: Yes, ma'am, it is.

Also, ma'am, this is an unclassified session in the court. The security officer opened a checklist [inaudible].

11 THE COURT: All right. Thank you.

12 Before we begin, I do want to put on the
13 record during yesterday's testimony counsel and I broke
14 for an RCM802 session and I neglected to put that on
15 the record.

16 I just want to say yesterday the court
17 security officer noticed a speculator that appeared to
18 possibly have a recording device. So the parties and I
19 met to discuss that issue, security addressed it. The
20 device was not a recording device and that was the
21 extent of the RCA802 conference.

1 Does either side desire anything further to
2 add?

3 MR. FEIN: No, ma'am.

4 MR. TOOMAN: No, ma'am.

5 THE COURT: Over the recess I received a
6 Defense request or a Defense motion for judicial notice
7 and publicly available IED information.

8 Has that been marked as an Appellate
9 exhibit?

10 MR. TOOMAN: Yes, it has, Your Honor, and I
11 believe it's Appellate Exhibit 51.

12 THE COURT: Has the government had a chance
13 to look over the motion?

14 MR. FEIN: Not yet, Your Honor.

15 THE COURT: Okay. So you're going to come
16 back to me then to let me know if you have an objection
17 or not?

18 MR. FEIN: We can do it over an E-mail
19 tomorrow, ma'am?

20 THE COURT: Yes. Why don't we do it that
21 way. We'll address it. We've already got another

1 issue to address Monday morning and we'll address this
2 one as well.

3 MR. FEIN: Yes, ma'am.

4 THE COURT: What was Appellate Exhibit 650?

5 MR. FEIN: Ma'am, the court's ruling.

6 THE COURT: Okay. We're waiting on
7 Mr. McCall and Mr. Pearson?

8 MR. FEIN: Yes, ma'am.

9 THE COURT: Which also, for the record, I
10 did correct the typos in the numbers over the recess
11 and the court reporter has a corrected copy.

12 Is there anything else we need to address
13 before the next witness?

14 MR. FEIN: No, ma'am.

15 MR. TOOMAN: No, ma'am.

16 THE COURT: Please call the witness.

17 MR. MORROW: The United States calls Major
18 General Kenneth McKenzie.

19 Whereupon,

20 MAJOR GENERAL KENNETH F. MCKENZIE,
21 called as a witness, having been first duly sworn to

1 tell the truth, the whole truth, and nothing but the
2 truth, was examined and testified as follows:

3 MR. MORROW: Thank you, sir. Please have a
4 seat.

5 EXAMINATION BY MR. MORROW:

6 Q Sir, you are Major General Kenneth
7 McKenzie, U.S. Marine Corp representative to the
8 Quadrennial Defense Review?

9 A That's correct.

10 Q Sir, where are you currently assigned?

11 A I'm currently assigned to headquarters
12 Marine Corp to fulfill that responsibility.

13 Q And where do you work out of?

14 A I work out of the Pentagon.

15 Q Sir, what is the Quadrennial Defense
16 Review?

17 A The Quadrennial Defense Review is a
18 congressionally mandated report submitted to the
19 Congress by the Secretary of Defense every four years.
20 We are now beginning a serious work to put the QDR
21 together and I -- each of the services provides a flag

1 officer representative. I am the Marine Corp
2 representative. We will work over the next several
3 months to compile the report which makes up the
4 strategy programs of the Department of Defense out of
5 the next 20 years and it will be submitted in Congress
6 in February of 2014.

7 Q Sir, how long have you been working on the
8 QDR?

9 A I came in right about a year ago. When I
10 detached from central command, I joined headquarters
11 Marine Corp in August of last year.

12 Q Sir, that actually begs the question. So
13 prior to this assignment you are at central command?

14 A I was the J5, the director of strategy,
15 plans and policy for U.S. central command in Tampa,
16 Florida.

17 Q And, sir, broadly, what you were
18 responsibilities in that position?

19 A I'm broadly responsible for the development
20 of the overall strategic campaign plan for the
21 headquarters, the maintenance of theaters cooperation

1 activities with the nations across the AOR, working
2 with the Department of State and other government
3 entities for the foreign military sales, foreign
4 military financing program. It's a pretty broad
5 portfolio and then on top of that you actually do war
6 planning and other elements of long-term strategic
7 activity.

8 Q And, sir, are you here to discuss your
9 observations and experience while assigned to the
10 Pentagon -- while assigned to CentCom?

11 A Yes, I am.

12 Q Sir, before we get back to your time as a
13 J5, I want to talk about your career a little bit.

14 How long have you been in the Marine Corp?

15 A 35 years last May.

16 Q And without going through all your
17 assignments, sir, can you just give the court a flavor
18 for your command assignments?

19 A Sure. As a lieutenant colonel I was
20 battalion commander and deployed and assigned to the
21 Mediterranean in 2000 -- correction, 1998/1999 as part

1 of the marine expeditionary unit. Later as a marine
2 expeditionary unit commander myself, I deployed a unit
3 into Afghanistan in 2004 for combat operations in
4 southern Afghanistan and then into Iraq in
5 2005/2006 also for combat operations.

6 Q Sir, what about headquarters Marine Corp
7 assignments?

8 A Sure, I had a variety of service
9 assignments at headquarters Marine Corp. As a younger
10 officer, I was a speech writer for common dot
11 (phonetic) I was the military secretary to the common
12 dot Marine Corp as a colonel and as a joint officer
13 after being promoted to brigadier general, I served as
14 the chairman's representative to the Obama
15 administration. They came in in 2007 and 2008 as the
16 chairman's new administration transition team
17 representative where I coordinated the work of the
18 joint staff and the various component commands to bring
19 that administration on board.

20 Q And, sir, what other -- other than CentCom,
21 what other joint assignments have you had?

1 A Sure. In addition to CentCom, I also
2 served in Afghanistan in 2009/2010 as deputy DCOS
3 stability on the ISAF staff, the headquarters staff in
4 Kabul, Afghanistan.

5 Q When you say you DCOS, are you saying
6 deputy chief of staff?

7 A Deputy to the deputy chief of staff. I
8 worked for an Italian two-star in that responsibility.
9 I was responsible for economic, governmental
10 development across the whole country of Afghanistan.

11 Q Sir, can you talk a little bit about your
12 assignments that were focused sort of on strategic
13 planning or future operations?

14 A Sure. I'm actually a graduate of the
15 school [inaudible]. As a major, they sort of put me
16 into that -- into that track a little bit.

17 In 1999-2000, I had the opportunity to
18 serve as a CMC fellow at the Institute For National
19 Strategic Studies. Before I worked for then former
20 Deputy Assistant Secretary of Defense Michelle Floynoy
21 (phonetic) and we did preparatory work for the

1 Quadrennial Defense Review over an 18-month period,
2 looking broadly at strategy of programs and a number of
3 strategic issues that face the United States. That's
4 probably one of the key forming periods in my career
5 learning to talk and consider strategic issues.

6 Q Thank you, sir. Sir, let's transition to
7 your time at CentCom. Who was the CentCom commander
8 initially when you were the chair?

9 A When I initially came in, it was General
10 John Allen for lieutenant -- then lieutenant General
11 John Allen for a period of 30 to 45 days and then
12 General Jim Mattis came in and was the CentCom
13 commander for the remainder of my time in the
14 headquarters.

15 Q I'm sorry, sir, if I've already this, but
16 you were at CentCom from when to when?

17 A I joined in the summer of 2010 and detached
18 in August 2012.

19 Q Sir, you said General Mattis took over for
20 General Allen at some point?

21 A Took over I would say in early August 2010.

1 It was -- I hadn't been there very long. It may not
2 have even been 30 days. It was a very short period of
3 time before General Mattis came into the headquarters.

4 Q Sir, as part of General Mattis's primary
5 staff, how often did you interact with him?

6 A I interacted with General Mattis every day
7 and exchanged probably on average, when I didn't see
8 him, dozens of E-mails with him on a broad variety of
9 issues.

10 Q And what about interaction with the rest of
11 the staff?

12 A It was particularly Donogan [inaudible] and
13 Jay [inaudible], very close cooperation with them. But
14 also the rest of the staff and also the component
15 commanders, those three-star officers from each of the
16 armed services who actually command the combat forces
17 of U.S. central command. So with very good
18 communications either at Tampa or from the Florida
19 headquarters or while traveling in daily conversations.

20 Q Sir, if you would, just briefly describe
21 how your position differed from the J3?

1 A Sure. The J15 in the U.S. central command
2 is responsible for looking at long term. Managing the
3 day to day [inaudible] is the responsibility of the J3.
4 Sending ships to certain places, airplanes to certain
5 places, issuing troops and remove when necessary.

6 The J3 is responsible for crafting a larger
7 fabric that puts that into perspective. Where do we
8 want to be five years from now, ten years from now in
9 theater and then how does that inform the actions of
10 what operations does?

11 Q Sir, if you would -- that's sort of at the
12 unclassified level. Can you sort of describe CentCom's
13 future planning efforts during the time you were the
14 J5?

15 A Sure. The core element of CentCom planning
16 as with all U.S. geographic commands is the generation
17 of the theater campaign plan. It's a large document
18 that looks out five years formally, but you look even
19 beyond that, but five years is the formal window.

20 What you do in that document is you set
21 your priorities. You determine what is important to us

1 and then you begin to look at the tasks you have to
2 accomplish in order to get to that point in five years
3 and beyond. So that's a key core planning document and
4 then aligned with that, really, is the outreach you do
5 to the other nations and your allies, your friends and
6 partners across the region, how you bring them in and
7 how they fit into that mosaic.

8 Q And, sir, when you talk about the theater
9 campaign plan, are you referring to the Iraq and
10 Afghanistan theaters or just generally CentCom's --

11 A The Iraq and Afghanistan theaters are
12 subordinate theaters within U.S. central command. So
13 they were included in that, although, as you know,
14 uniquely, both of these theaters had four-star
15 commanders. Nonetheless, they were hierarchically
16 subordinate to the CentCom commander.

17 Q And sir, if you would -- you talked about
18 sort of building military relationships as part of
19 CentCom's planning efforts.

20 Can you talk about that? How are those
21 relationships built?

1 A Sure. A lot of my time is taken up with
2 that effort. Typically, I would travel into theater
3 about once month a month, sometimes a little more
4 often. Probably over the course of a 24, 25-month
5 assignment to CentCom I was in theater about that many
6 times. Sometimes for fairly short periods, sometimes
7 for longer periods.

8 What you're trying to do is establish a
9 face-to-face relationship with a lead planner for the
10 nation you're visiting or I could be accompanying the
11 theater commander depending on his visit schedule and
12 my visit schedule.

13 What you're trying to do is establish a
14 long-term personal framework that gives you an element
15 of trust for the objectives of the United States across
16 the region.

17 Q And, sir, when you're talking about your
18 travel, was it primarily to Iraq and Afghanistan or was
19 it really like all the other CentCom --

20 A Actually, most of my travel was not to Iraq
21 and Afghanistan. Most of my travel probably, if you

1 look at it, would be across the gulf states from Iman
2 and UAE in the east all the way up to Kuwait in the
3 west and up into Jordan. So those states where the
4 majority of the areas that I visited simply because in
5 Iraq and Afghanistan we had large functioning four-star
6 headquarters that were able to do much of the
7 coordination outreach. So we worked typically through
8 them in our relationship with those nations. The rest,
9 though, I focused my efforts on those.

10 Q Sir, why is it in U.S. national security
11 interest to build these military to military
12 relationships?

13 A In the long term, long term collective
14 security is based on [inaudible] potential and
15 reassuring potential and reassuring your allies. So it
16 is fundamental to U.S. long-term strategic interests
17 that we maintain a positive, two-way relationship with
18 these nations.

19 Q Sir, were there any countries in particular
20 in CentCom that you primarily engaged with as part of
21 your travel?

1 A Well, the Gulf states are all important.
2 You know, depending on the situation, it could change a
3 little bit from time to time. But most of my efforts
4 were focused on the gulf states, UAE to Kuwait and a
5 couple of others in there, the majority of our efforts,
6 although we've spent a considerable effort in other
7 states across the AOR as well.

8 Q And, sir, you said you traveled both alone
9 and with the commander of CentCom?

10 A That's correct.

11 Q Sir, how would you -- generally, when you
12 initially got to CentCom, so summer 2010 up to November
13 of 2010, how would you characterize the military to
14 military relationships we had with the CentCom AOR
15 countries?

16 A I believe they were solid. I think there
17 is always going to be frictions that arise, but I
18 think, in general, we shared a common view. We were
19 building trust. I think it was generally a -- on a
20 pretty predictable glide slope within the context of
21 the region which is inherently unstable.

1 Q And what do you mean by that, sir?

2 A Well, you've got actors in the region that
3 have destabilizing intent. You have Iran. You always
4 have to consider the efforts of Iran across the region,
5 their activities both covert and overt that you see out
6 there.

7 So within that context there are always
8 going to be bumps in the relationship. CentCom is
9 difficult to predict what is going to happen from day
10 to day simply because of that. But, nonetheless, I
11 felt that we had some very good -- very good way
12 forward.

13 Q Sir, when you were meeting with military
14 officials, I assume these were personal meetings with
15 these officials; is that correct?

16 A Well, they were face-to-face. They were
17 official meetings and then I would be in there.
18 Possibly one of my action officers, maybe the subject
19 matter expert if we were discussing a particularly
20 knotty matter. But there were also personal meetings
21 as well, you know, on a more social venue where you try

1 just to do a little bonding.

2 Q Sir, what were -- in general, what were the
3 ranks of these military officials?

4 A They were typically at least major
5 generals, some lieutenant generals and sometimes you'd
6 meet with perhaps the crown prince or the chief of
7 Defense. Certainly when I traveled with General
8 Mattis, that was the level in which these meetings were
9 conducted.

10 Q Sir, do you recall becoming aware of public
11 release of purported State Department information in
12 the November/December 2010 time frame?

13 A Yes, I do.

14 Q Sir, as a result of this release, did you
15 observe an impact to CentCom's future planning efforts
16 in relationship to foreign partners?

17 A Yes, I did.

18 MR. MORROW: Thank you, sir.

19 Your Honor, at this time we would move to a
20 closed session.

21 THE COURT: All right. Before we do that,

1 is there any reason -- first of all, Defense, do you
2 have an open cross-examination?

3 MR. HURLEY: No, ma'am.

4 THE COURT: Is there anything else that we
5 would to address today in an open session?

6 MR. FEIN: No, Your Honor.

7 MR. HURLEY: No, ma'am.

8 THE COURT: So after today, the next open
9 session is going to be on Monday, right?

10 MR. MORROW: That's correct, Your Honor.

11 THE COURT: And what time do the parties
12 want to start?

13 MR. COOMBS: 09:30 is fine with the
14 defense. I believe the government is they're calling
15 Special Agent Mannard? Are they calling him?

16 MR. FEIN: We are not, Your Honor.

17 THE COURT: Are you calling anyone else?

18 MR. FEIN: No, ma'am. Mr. McKenzie is the
19 last government witness.

20 THE COURT: So we'll be starting with the
21 defense case after we have litigated the two motions at

1 issue that we've discussed, the judicial notice as well
2 as the RCA706 issue?

3 MR. FEIN: Yes, ma'am.

4 MR. HURLEY: Yes, ma'am. So if we could
5 start at 09:30 with the motions arguments and then
6 we'll go into the first witness.

7 THE COURT: All right. That sounds like a
8 good idea.

9 All right. For members of the public and
10 members of the gallery, this is the end for the open
11 session for today. We will go into the closed session
12 and then that will be followed by a recess until Monday
13 morning at 09:30 where we will be litigating the two
14 issues I just described. The parties will have their
15 filings noted on the record the parties will have oral
16 argument with respect to those issues and then,
17 following that, we will begin with the Defense's
18 sentencing case.

19 Is there anything else we need to address
20 before I recess the court?

21 MR. FEIN: Your Honor, this court closure

1 also presents your previous order. It's appellate
2 Exhibit 550.

3 THE COURT: Thank you very much.

4 Major General McKenzie, during the recess
5 please don't discuss your testimony with anyone. All
6 right, court is recessed.

7 (Trial was adjourned at 3:18 p.m.)

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